

Judicial Settlement

of International Disputes

No. 8

Non Justiciable Disputes and the Peace
Treaties

BY

Omer H. Hershey
of the Baltimore Bar

MAY, 1912

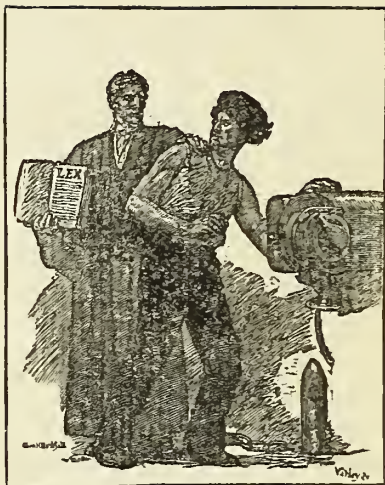
Published Quarterly by American Society for Judicial Settlement
of International Disputes.

Entered as second
class matter, June 16, 1894,
Postoffice at
Baltimore, Md.,
under Act of
October 3, 1917.

KZ
4850
.J835
no.8

A.

March 21, 1910, at
Baltimore, Md., under the Act of





Non Justiciable Disputes and the Peace Treaties

By

Omer H. Hershey

The Senate of the United States has stricken out from the proposed arbitration treaties with Great Britain and France the clause which empowered the Joint High Commission of Inquiry to decide whether differences arising were justiciable and should accordingly be referred to arbitration. It is a real misfortune that the value of treaties which marked so great a step forward in the cause of peace should be thus impaired because of emotional excitement about things that may never happen, or because of a schoolmen's controversy over what is or is not "internationally justiciable." In effect it is essentially the old conflict between the legalist who

believes that disputes can be determined only by rules known and consented to, and the liberal who entertains different notions of the nature, functions and sanctions of law.

International disputes may be broadly distinguished as legal or political in their nature. But this broad distinction is like that between law and fact. Often this is a case of mixed law and fact; and no less often is the international dispute of a mixed character. For recognized legal differences, international jurisprudence usually supplies a rule of law. For political differences, such a rule rarely exists, and for that reason it is assumed that arbitration, or even the various devices of mediation, commissions of inquiry, etc., are unsuitable or are likely to be ineffective. It is argued that you can't judicially decide the non-justiciable, and that certain questions are non-justiciable because there is no rule of law. Then the circle is completed by assuming that there is no rule of law because such questions are non-justiciable. The rules of law, which enable us to settle legal differences between states, when analyzed, have no greater validity than is given to them by the general consent of the society

of nations. Any arbitral tribunal, whether created by treaty for a given dispute, or permanent, and in the nature of a court for all disputes, need not look, and should not look, simply and solely for a settled pre-existing rule; except in so far as such a rule, like so many rules of our every day civil law, is implicit in sound legal reasoning and the demands of justice. It can act both as judge and law-maker. It can create new rights by its decisions. And international consent or an existing treaty or a lively public opinion can convert these decisions into obligations having all the binding effects of law. The fact that existing international law fails to lay down a rule covering these non-justiciable questions need not deter any established tribunal from creating its own law. Indeed, this has been largely the actual practice of most international adjudications; instance the treaty of Washington and the rules established for the Alabama claims.

This controversy between legalists and liberals, which affected the present treaties so disastrously, is not a new one; it simply reveals again two conflicting tendencies which

students of Anglo-American legal institutions have noted in every part of our legal and political system. On the one hand there is the Puritan faith in mere law—in the laying down of authoritative guides for the conscience of free men. This is symbolized for all time in graven stone upon the walls of one of our great law schools, which has chosen the words “and thou shalt shew them ordinances and laws and the way in which they must walk, and the work that they must do,” as the text from which the *juventus cupida legum* may draw the idea of law. On the other hand there is the deep-rooted professional distrust of all conscious law-making—the belief that a slow process of empirical exclusion and inclusion is the only method by which law may come into being—the conviction that all the principles of a complete legal system are implied in historical jural materials which experience will unfold or develop gradually to meet the exigencies of a growing and a changing world. One tendency exalts unduly the efficacy of conscious effort and is in feverish haste to translate the idea of the moment into chapter and section of the statute

book. The other tendency depreciates unduly the efficacy of effort and is reluctant to give force and authority to obvious teachings of the judicial and juristic experience of the past. Both tendencies are strongly marked, not only in the present treaty controversies, but in all Anglo-American discussions of schemes for the peaceable adjustment of international disputes.

The over-zealous pacifist is ready to settle the whole matter out of hand by the simple process of international legislation and adjudication. Given an international parliament and an international supreme court, and he will soon have the international statute book with the inevitable judicial gloss which—on paper—will solve all problems and preclude all save forensic disputes. The over-cautious adherent of our received historical jurisprudence, on the other hand, is equally convinced that anything beyond decision of the case in hand, as it arises, in the light of past experience is wholly futile. He would have us do nothing beyond accumulating judicial materials and observing the historical processes by which they are brought forth. Accordingly

he gives aid and comfort to the apostles of the cult of red blood and the strong arm, who see only decadence in the submission of questions of national honor to mere judicial decision. He draws upon history and biology to prove that a nation which values its honor as it should, must keep in good training, must be armed to the teeth, must be prepared to take part in the international duello, and must never play what he is pleased to term the coward's part by submitting vital questions of right and wrong to the judgment of a tribunal.

The pacifist may see visions and dreams that can never be fulfilled, and his insistence on the impracticable may prevent the realization of much that is really practicable; but there is no occasion here to pick his program to pieces. Even if we are skeptical as to the outcome of much that he assures us he is on the eve of bringing about, we must recognize that he can do no worse than fail. Just now it is more worth while to look narrowly at the extremist on the other side, the legal extremist who by his position on a theoretic question is aiding and abetting the party of "righteous

war" and heavily armed peace. If he is sound in his definition of the limits of what is internationally justiciable, then the program of our peace societies and all our aspirations for international courts and arbitration treaties might as well be abandoned.

Let us then examine first the premises of the doctrine of absolutely non-justiciable disputes as we have seen it expounded in the recent treaty controversy.

These premises purport to be: (1) biological, (2) historical, and (3) philosophical; and curiously enough, while this doctrine is most vociferously preached by our chief prophet of the progressive, all three of these premises have long since been abandoned by leaders in social, political and legal science.

A lawyer must be concerned chiefly with the historical and philosophical premises. He will have a professional instinct averse to the argument biological, though the equally non-scientific layman feels quite equal thereto. Suffice it to say that nothing seems to be more securely dead and buried than the biological sociology of the last century; and the supposed biological argument in the present con-

nection is nothing else. As Professor Small has put it, the biological sociologists "carry symbolism into realism," they treat society as though it were the last term in the zoological series. They "think of society as a big animal." Certainly, those who grow indignant about "nature faking" in innocuous tales for children should employ this conception of society in moderation when presenting serious arguments for the grown-ups. For at bottom the two things are the same. The writer of nursery tales who puts human emotions, human sentiments and human intelligence into wolves and sheep-dogs and rabbits and partridges, the political poet-philosopher who interprets world politics by the attributes of Adamzad the bear and social problems by the attributes of the female cobra, and the publicist who preaches the biological sociology in opposition to arbitration treaties, obey the same instinct. They "carry symbolism into realism."

The argument historical is equally unsatisfactory. The tenets of the orthodox historical school in jurisprudence have lost their hold on the legal science of today. In Germany

the social philosophical school, in France the revival of natural law ideas, in Italy the positivists and the never suppressed philosophical school, have swept this historical school from the field. Everywhere upon the continent "judicial idealism" is coming once more to be the order of the day. Only in America is it still scientific to preach the futility of effort and to argue that we must fold our hands and watch the evolution of mechanical laws. Ihering demonstrated that laws were not the inevitable products of the genius of peoples working in mysterious ways, but were fashioned by human minds to meet human needs. Stammler showed us that if the absolutely and eternally just was an illusion, we might nevertheless with good reason consciously seek the just relatively and for the time being. He showed us that such a "natural law with growing content" may be applied to concrete questions and to actual legal systems so as to yield results both subjectively just and objectively valid. The Neo-Hegelians have declared that the task of the jurist is to find the jural postulates of the culture of a people for the time being and to shape the laws thereto.

Everywhere on the continent, if one may rely on the reviews, the tendency is to favor once more that insistency upon ideals which were the glory and the vital spark of jurisprudence before the rise of the historical school. And this spirit, which is moving in the broader field of jurisprudence, should surely enable us to view idealistic attempts in the international field with complacency, if not with hope.

Thus everywhere the spirit of the time in jurisprudence gives us faith in the efficacy of effort. The time has gone by when the forces of juristic reaction may be rallied about the standards of nineteenth century historical jurisprudence. Indeed, no one has complained more bitterly of the failure of courts and lawyers to move with the "spirit of the times" than the very progressive who now refuses to believe that international law can march or that it can cope with the definite ideals of this arbitration treaty. His attitude towards the development of international law as a remedy for war is precisely that which our much berated legal profession has taken towards the development of private law. The confident *non possumus* and aggressive *laissez faire* of

the late Mr. Carter when writing upon legislation finds a perfect parallel in much that is written upon the inherently non-justiciable in international disputes.

The philosophical phase of the argument for the absolutely non-justiciable, when closely examined, is equally curious and untenable. One of its cardinal assumptions is the supremacy of the national will. In the last analysis this is merely an application to international law of the "individual will" theory long dominant in private law, and long since abandoned by jurists. Grotius conceived of nations as each equal and sovereign in theory, just as Bentham conceived of individuals. Grotius abandoned all conceptions of world empire and a world church, *dominus totius mundi*, in favor of this doctrine of equality and independence; an idea, one is almost tempted to say a fallacy, which persists to help confound all forward movements. Certainly, in this era of universality and of a world community it is not too much to suggest that extreme national individualism is as obsolete as is extreme individualism in private law or within the state. Yet none proclaim the former so

vociferously as some who inveigh most vigorously against courts and judges and legal systems for being still influenced by the latter. This solicitation for the national will is exactly the same thing as the solicitude of the metaphysical jurists of the last century for the individual will. If socially the collectivist ideal is to prevail and we are to be asked, for the sake of social justice, to abandon our old conceptions of individual freedom of contract and the like—if we are to regulate our individual rights and obligations, within the state, on the theory that the interests of the individual are to be secured through society and that there are social interests to be secured by the ordinary private law—then it is difficult to see why the same reasoning should not apply as between individual nations and the society of nations, even if we are not yet ready to concede a citizenship of the world.

Perhaps we shall be able to reach a better conclusion as to the non-justiciable in disputes between nations if we consider for a moment some of the limitations of effective adjudication of private disputes.

The text books tell us that in ancient law injured persons had three means of redress; self-help; appeal to the gods (or their ministers), and appeal to the state. The break-down of universal religious organization and consequent failure of excommunication and of the interdict as effective sanctions have made appeal to spiritual organizations ineffectual. There is no state to which an injured nation may appeal. Consequently, we have accustomed ourselves to think that modes of compromise such as mediation and arbitration and regulated self-help were the sole subject matter of adjective international law. But this mode of looking at ancient law is superficial. It also proceeds from the ultra individualist standpoint, considering only the injured individual and treating the whole legal system as revolving about him. All the more recent and thorough scholarship on the history and development of private law seems to be agreed that not the right of the individual, but the interests of the social body in preventing private war and in preserving peace and public order, was the real force in the development of judicial systems and in the resulting development

of law. Our ideas of legal history are still colored by the doctrines of the state of nature and natural rights which has led historians subconsciously to approach and expound the whole subject from the injured individual as a starting point. The evidence now points the other way. The individual never played the important part in our social or legal development that much of our legal theory concedes to him. Much of the larger history of the development of judicial settlement of private disputes must be re-written from the social standpoint. Nor is this peculiar to jurisprudence. The same is true in the broader fields of history and economics. In the development of law within the state we may assume that the social interest in peace and public order was the prime consideration and was secured, first, by some social regulation of self-help and of private war, and then, more and more, by providing means for the just determination of disputes and the orderly and impartial ascertainment of rights and redress of wrongs. Consequently the state grew in strength with the growth of law. Effective adjudication of private disputes, as a means of securing the

social interest in public order and the public weal, was therefore rendered possible even with feebly developed states.

Is it far fetched to apply this analogy to the field of international law in connection with the question of the treaties? What we need is not a world state but a better organized society of states, with social interests to be secured and maintained. The orderly and effective adjudication of all disputes is bound to become possible. Nor is this a remote possibility. That there is a world-wide social interest in peace is not merely indisputable *a priori*, but is proving itself empirically in the growing demand for peaceable adjustment of international differences and the world-wide movement against the present expensive and ruinous regime of peace *vi et armis*. We have, then, this increasing world-wide society, evidences of which can be drawn from all departments of human endeavor. We have world-wide social interests to be secured. And the means of securing these interests can not but be the same as those by which the social interests of smaller groups were secured against private war—that is, by providing means for

the just determination of controversies and the impartial ascertainment of rights and duties. Undoubtedly such determination and ascertainment must commend themselves to the moral sense of the world. But so it is with private adjudications. They rest upon sanction and upon traditional habits of obedience; but they rest also upon conformity to the moral judgment of the community, without which sanction would soon break down and tradition be rejected. For a long time in the history of law, adjudications had behind them only the social interest in security and order and the moral sentiment of a community which approved the result. We have good ground for faith that international adjudications may be sustained to a large extent upon the same basis.

The world-wide interest in these proposed treaties is itself an evidence of this awakening moral sense, and the chief merit and justification of the entire peace propaganda is that by turning the thought of the world from war to peace it creates the very medium in which law can thrive and from which all laws have in the development of civilization derived

their real sanctions. One need not accept Mr. Bergson's clever notion of "creative evolution" to realize that even in law as in life there is a force which somehow does in due time tend to translate "the vague vision" into the enduring reality. The mere fact that good men dream of peace and wise men preach peace and that the thought of the world is turning from war to peace should in time make war as much of an anomaly in fact as it now is in principle. The whole field of law and politics and social polity is filled with illustrations of this transmutation of the visional into the actual. "Without Goethe, no Bismarck," says some one; and no better example could be cited of this law of growth than the creative relations between the modern political and industrial Germany and the purely philosophical Germany of Kant and Fichte and Schelling and Hegel. What last century appeared to be the mere vision and pastime of her intellectuals now appears to be the vital spark or moving spirit of her social, industrial and political life; so much so indeed that we have as shrewd a critic as Lord Haldane connecting the new Germany, not-

withstanding its militarism and its bitter struggle for commercial leadership, with the intellectual Germany of Kant and seeing in it a prophecy of peace to all mankind.

If we are right in believing that adjective international law has for its subject matter regulated self-help and provision for a system of international justice which will reduce self-help to the inevitable minimum, we should be justified in looking to self-help and the administration of justice as they developed and now exist in private law in order to learn the limitations upon these modes of redressing injuries and securing the social interest in peace and public order, and thus to learn something of the limitations which are likely to inhere in analogous institutions in international law. The Romans permitted self-defense, but did not allow self-redress; that is, they permitted no enforcement of private claims, or any redress of any infractions of one's rights, by force. They allowed self-redress in but two cases, namely, necessity—i. e., where irreparable injury would result if it were not allowed—and where it was provided for by contract. In the Anglo-American law

we recognize self-help in the case of self-defense of the person and of the several personal relations of parent and child, husband and wife, and master and servant; also in the case of recaption of chattels forcibly taken from one's possession, where the recaption does not involve a breach of the peace; also in the abatement of nuisances; and to a degree in distress for rent. Self-defense, therefore, is recognized in all legal systems, but self-redress is confined to narrow limits. Honor and vital interests can hardly be said to be of consequence in either.

On the other hand there are in private law certain well-defined limitations to the judicial adjustment of controversies or the judicial securing of interests. There are really only three such practical limitations: (1) *some things are too trivial for judicial cognizance*; (2) *some things are too great for judicial cognizance*; and (3) *some things are too intangible for judicial cognizance*. Private law does not in theory admit the second limitation, but in practice we must admit it to some extent. Great moral questions sometimes so stir the public that submission to judicial decision is impatiently

rejected. A number of instances in recent history might be cited where the public would not brook legal decisions on certain questions. The pressure which the judicial power over unconstitutional legislation now brings to bear upon courts indicates that political questions may arise which will be too great for judicial cognizance. Or compare, for example, the "unwritten law"—the sentiment of some communities as to cases of assault upon women.

But it must be noted that these cases are exceptional. There is no class of absolutely non-justiciable private controversies defined by the magnitude of the issues involved. The law has done wisely in not recognizing any such exceptions and its struggle to deal with even the highest interests, as well as it can, has been amply justified by legal history. So far as it has failed in dealing with questions too intangible for judicial cognizance, it has been due to attempts to make law cover the whole field of morals and ethics—to deal with *being* as well as *acting*. Cases like the failure of the Roman law-giver to make a legal duty out of gratitude in an age of decadent morals, or the failure of the English chancellor, after

the law of the church had lost its authority, to hold trustees to an ethical maximum—not to draw examples from the present—might be cited to show that law is not the science of justice in general, but of justice applied to the relations of men and of states, so far as it is practicable to make them the subject of judicial cognizance.

Now, analogy between private law and international law seems in practice to be complete in all respects, except that the latter, unlike the former, persists in regarding some subjects as too great for judicial cognizance. Self-help short of war is in international law of two sorts: (1) a self-redress analogous to that universally permitted in private law, e. g., seizure of the thing in dispute; (2) means of bringing pressure upon an adversary to induce him to do justice, e. g., reprisals, pacific blockade, embargo, etc. The analogy of private law must convince us, as we should hold in any case *a priori*, that self-defense and self-redress of the first type cannot be obviated. Our chief trouble lies in the second of the limitations noted in private law—"subjects too great for judicial cognizance." No one as yet

seeks to press upon international tribunals matters too trivial or too intangible for adjudication. The fear is that matters too great for adjudication will be dealt with by such tribunals. But does not the analogy of private law teach us that this will take care of itself? Why attempt to define these exceptional cases legally and refuse to go forward until they are exactly and suitably defined? Private law does nothing of the kind. Really, absence of sanction here is an advantage. It removes the element of danger. International law cannot be used to oppress great states as private law may be used to oppress humble citizens. International tribunals have not made sufficient progress to require us to begin the framing of a bill of rights, a declaration of the rights of states.

If, then, even though we may be disposed to doubt whether adjudications of international disputes will prove a sovereign specific for war; even if we suspect that the struggle of races for hegemony will in the end be determined by the sword; or if we fear that outbursts of passion will at times sweep peoples into battle before reason can intervene, we

have equal reason to be skeptical as to the dire results that are predicted of the attempt to secure the widest possible adjudication of international disputes. If the machinery stops and fails to work under circumstances of great stress, it will only do what we see far too often in the workings of our every day machinery of private law. The widest possible scheme can do no more than fail in some details. On the other hand undue limitation may impose fetters during the formative period, the period of growth, which will leave permanent marks, shape the subject awry, and retard its development. Only by experience of inclusion and exclusion can we determine what is justiciable and what is not. It is unhistorical and anti-social to insist upon exclusion on *a priori* grounds of any subject matter which may prove in the event a proper one for judicial determination. Where would private law be if the Romans, for example, had insisted that questions involving the honor or the vital interests of the free man could not be submitted to a Court? Such was a primitive view, but the law at an early stage compelled the free-man to consent to adjudication of such mat-

ters. It is much better to set up the tribunal or agree to constitute it with a general jurisdiction over all questions, and let its practical limits be worked out as juristic and judicial experience and the exigencies of actual controversies demand, than to go on making rules and defining exceptions, and laying down principles in the abstract, and expect disputing peoples to conform to them in the heat of controversy. The whole lesson of legal history is that we must not be over ambitious to define and to lay down rules and exceptions in advance. To lay down in advance what is and what is not justiciable, with no experience upon which to go, is to ignore the entire course of judicial history.





American Society for Judicial Settlement of International Disputes

Increase in the membership of the Society during the past few months has exhausted the edition of the printed Proceedings of the "Cincinnati" Conference, Nov. 7-8, 1911. There is still on hand a supply of the Proceedings of the "Washington" Conference, Dec. 15-17, 1910, which volume has been recognized abroad as a classic and a text book on the subject of an international court of justice.

The collection of addresses in this volume will be found to be of great importance. They throw light on present day problems of an international character, containing most interesting historical reviews of certain aspects of internationalism and a profound study of law and courts which will give the book permanent value.

The discussion centered largely upon the proposed international court of justice, an idea

which has been the hope of leading thinkers of the world for many generations and which it is confidently believed we are on the eve of realizing.

The discussions were participated in by such statesmen, educators and men of affairs as:

President Taft
Hon. Simeon E. Baldwin
Hon. Richard Bartholdt
Justice Henry B. Brown
Andrew Carnegie
Hon. Joseph H. Choate
Hon. Wm. Bourke Cockran
Chas. W. Eliot
Hon. John W. Foster
Hon. Wm. Dudley Foulke
The French Ambassador
James Cardinal Gibbons
Edwin Ginn
Major-General Frederick D.
Grant, U. S. A.
Chas. Noble Gregory
Francis W. Hirst
David Starr Jordan
Frederick N. Judson

Harry Pratt Judson
Hon. Martin W. Littleton
Hon. Francis B. Loomis
Hon. Henry B. F. Macfarland
Frederic D. McKenney
The Mexican Ambassador
Hon. Andrew J. Montague
The Minister of the Netherlands
Thomas Nelson Page
Jackson H. Ralston
Justice William Renwick Riddell
Hon. Elihu Root
James Brown Scott
Alpheus H. Snow
Rear-Admiral Chas. H. Stockton
Hon. Oscar S. Straus
Eugene Wambaugh
Benjamin Ide Wheeler
General Stewart L. Woodford

They suggest in a comprehensive way the immeasurable direct advantages which would accrue from the establishment of a court, together with certain collateral results such as the upbuilding of international law. Such growth of law would follow as a result of the decisions of the court and as a result further of the codification of certain spheres of inter-

national law which would be invited by the very existence of such a court.

The volume will be found useful as a book of reference for those who have occasion to treat this subject in an essay or address at any time. It will be found particularly valuable for students of international questions.

Price, bound in paper, \$1.00. Apply to
WILLIAMS & WILKINS COMPANY,
2427 York Road, Baltimore, Md.



American Society for Judicial Settlement of International Disputes

Officers

HONORARY PRESIDENT, WILLIAM HOWARD TAFT.

PRESIDENT, SIMEON E. BALDWIN,
HARTFORD, CONN.

VICE-PRESIDENT, JOSEPH H. CHOATE,
NEW YORK CITY.

SECRETARY, THEODORE MARBURG,
BALTIMORE, MD.

TREASURER, J. G. SCHMIDLAPP,
CINCINNATI, OHIO.

Executive Committee

SIMEON E. BALDWIN,
JOSEPH H. CHOATE,
THEODORE MARBURG,
J. G. SCHMIDLAPP,
W. W. WILLOUGHBY,

HENRY B. F. MACFARLAND,
JAMES BROWN SCOTT, EX-PRESIDENT,
JOHN HAYS HAMMOND, EX-PRESIDENT.

Life membership, \$100; Sustaining membership, \$10 a year;
Annual membership, \$1 a year.

Remit to Treasurer, J. G. Schmidlapp, Cincinnati, U. S. A.
Address inquiries to secretary, Theodore Marburg, Baltimore, U. S. A.

Additional copies of this or other issues of the
Judicial Settlement Quarterly may be obtained with-
out charge from the Assistant Secretary,

TUNSTALL SMITH,
The Preston, Baltimore, U. S. A.

Advisory Council

LYMAN ABBOTT, New York.
EDWIN A. ALDERMAN, Virginia.
JAMES B. ANGELL, Michigan.
SIMEON E. BALDWIN, Connecticut.
RICHARD BARTHOLDT, Missouri.
ALEXANDER GRAHAM BELL, Washington, D. C.
R. L. BORDEN, Ottawa, Ontario.
THEODORE E. BURTON, Ohio.
JOAQUIN D. CASASUS, Mexico City, Mexico.
GEORGE E. CHAMBERLAIN, Oregon.
WINSTON CHURCHILL, New Hampshire.
GEORGE B. CUTTEN, Wolfville, N. S.
WILLIAM R. DAY, Ohio.
JACOB M. DICKINSON, Washington, D. C.
ANDREW S. DRAPER, New York.
CHARLES W. ELIOT, Massachusetts.
WILLIAM DUDLEY FOULKE, Indiana.
JAMES CARDINAL GIBBONS, Maryland.
GEORGE GRAY, Delaware.
CHARLES NOBLE GREGORY, Iowa.
PETER S. GROSSCUP, Illinois.
JOSEPH F. JOHNSTON, Alabama.
DAVID STARR JORDAN, California.
HARRY PRATT JUDSON, Illinois.
WILLIAM H. KING, Utah.
GEORGE W. KIRCHWEY, New York.
PHILANDER C. KNOX, Washington, D. C.
CHARLES F. LIBBY, Maine.
FRANCIS B. LOOMIS, Washington, D. C.
HORACE H. LURTON, Tennessee.
R. MCBRIDE, Victoria, B. C.
PABLO MACEDO, Mexico City, Mexico.
CHARLES MARCIL, Ottawa, Ont.
SIDNEY E. MEZES, Texas.
S. C. MITCHELL, South Carolina.
DON ROMULO S. NAÓN, Argentine Republic.
FRANCIS G. NEWLANDS, Nevada.
L. OPPENHEIM, Cambridge, England.
THOMAS NELSON PAGE, Washington, D. C.
WALTER H. PAGE, New York.
W. PETERSON, Montreal.
SIR THOMAS RALEIGH, London, England.
WHITELAW REID, London, England.
WILLIAM RENWICK RIDDELL, Toronto, Ont.
URIAH M. ROSE, Arkansas.
A. C. RUTHERFORD, Edmonton, Alberta.
WALTER SCOTT, Regina, Saskatchewan.
ALBERT SHAW, New York.
HOKE SMITH, Georgia.
BISHOP ROBERT STRANGE, North Carolina.
SIR CHARLES HIBBERT TUPPER, Vancouver, B. C.
GEORGE TURNER, Washington.
CHARLES R. VAN HISE, Wisconsin.
BENJAMIN IDE WHEELER, California.
WILLIAM ALLEN WHITE, Kansas.
GEORGE G. WILSON, Massachusetts.
PRINCE DE CASSANO, Italy.

Publications of the American Society for Judicial Settlement of International Disputes—

1. The New Era of International Courts, by Simeon E. Baldwin. August, 1910.

2. The Necessity of a Permanent Tribunal, by Ernest Nys. November, 1910.

Supplement—The American Society for Judicial Settlement of International Disputes, by James Brown Scott. November, 1910.

3. The Importance of Judicial Settlement, by Elihu Root. February, 1911.

4. The Development of the American Doctrine of Jurisdiction of Courts Over States, by Alpheus H. Snow. May, 1911.

5. An International Court of Justice the Next Step, by George Grafton Wilson. Salient Thoughts, by Theodore Marburg. August, 1911.

6. The work of the Hague Court, by N. Politis. November, 1911.

7. The Proposed Arbitration Treaties with Great Britain and France, by William Howard Taft. February, 1912.

8. Non Justiciable Disputes and the Peace Treaties, by Omer F. Hershey. May, 1912.

D04363281R



Duke University Libraries